

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY
COUNTY, VIRGINIA HELD ON THE 25th DAY OF MARCH, 2002 AT 7:15 P.M. IN
COURTROOM B, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit

Carl McNeil (Agent: Curtis & Debbie Goad) requests a Special Use Permit in Agriculture (A-1) on a 0.418 acre tract, with possible conditions, on Tax Parcel No. 119A-A-27 (Account ID #007248) for a specialty shop. Property is located at 4040 Riner Road in the Riner Magisterial District. The property lies in an area designated Rural Expansion Area in the Comprehensive Plan.

At their meeting on March 13, 2002, the Planning Commission found the request in conformance with the Comprehensive Plan and recommended approval to the Board of Supervisors subject to the following conditions:

1. Use is for specialty shop only. Size of specialty shop shall not exceed two thousand (2000) square feet.
2. Landscaping and buffering plan shall be submitted to zoning administrator for review and approval prior to occupancy of building.
3. The Zoning Administrator will confirm with the Health Department that the septic system has received final inspection and approval.

Debbie Goad, applicant, spoke on behalf of her request. Ms. Goad explained that the business will be a specialty shop with high quality merchandise.

Charlie Bowles stated he was concerned with spot zoning. Mr. Bowles stated that commercial should be on one side of the road and residential on the other, not intermingled. The County should control commercial and retail business in Riner. There are vacant commercial buildings available without having to issue a special use permit on a residential lot. For this reason, Mr. Bowles is opposed to this request and asked the Board to vote against it.

There being no further speakers, the public hearing was closed.

Special Use Permit

J. Steven Duncan requests a Special Use Permit in Agriculture (A-1) for a 10 acre site on a 442 acre tract, with possible conditions, on Tax Parcel No. 110-A-25A (Account ID #030675) for a contractor's equipment storage yard. Property is located at 3281 Fishers View Road approximately 2 miles west of the Fishers View/Alleghany Springs Road intersection in the Shawsville Magisterial District. The property lies in an area designated Conservation/Rural Area in the Comprehensive Plan.

At their March 13, 2002 meeting, the Planning Commission recommended that the Board of Supervisors table this request until such time as all inoperable vehicles, manufactured homes, and junk that are not stored in the proposed contractor's equipment storage yard are removed from the property.

Cymric Woolwine addressed the Board in opposition to this request. Ms. Woolwine is a neighbor and stated she has several concerns. There is an excessive amount of equipment, tractors, abandoned vehicles, school buses, and various metal scattered over the mountain side and she should not have to live beside a junk yard. She also is concerned with environmental issues with leakage of oils and battery fluids from the abandoned vehicles onto ground. She urged the Board to deny this request.

There being no further speakers the public hearing was closed.

Supervisor Rush requested the Board act upon Mr. Duncan's request for a Special Use Permit at tonight's meeting. There was a consensus by the Board to act upon this request.

J. Steven Duncan - Special Use Permit

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

WHEREAS, J. Steven Duncan requests a Special Use Permit in Agriculture (A-1) for a 10 acre site on a 442 acre tract, with possible conditions, on Tax Parcel No. 110-A-25A (Account ID #030675) for a contractor's equipment storage yard which is located at 3281 Fishers View Road approximately 2 miles west of the Fishers View/Alleghany Springs Road intersection; and

WHEREAS, On March 13, 2002, the Planning Commission discussed the request by J. Steven Duncan and recommends to the Board of Supervisors that the request be tabled until such time as all inoperable vehicles, manufactured homes, and junk that are not to be stored in the proposed contractor's equipment storage yard, are removed from the property; and

WHEREAS, The Board of Supervisors agrees that J. Steven Duncan's request for a Special Use Permit should not be considered while the property continues to be in violation of the County Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to delay consideration of this Special Use Permit request for thirty (30) days in order to give J. Steven Duncan time to bring the property in compliance with the County Zoning Ordinance.

BE IT FURTHER RESOLVED, By the Board of Supervisors that County staff shall continue to enforce the laws of the County in order to bring the property into compliance.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Annette S. Perkins	
Gary D. Creed	
James D. Politis	
C.P. Shorter	
Larry N. Rush	

Mary W. Biggs

PUBLIC HEARINGS CONTINUED

Rezoning Request and Special Use Permit

Billy D. Massie (Agent: Kendall O. Clay) requests to rezone 1.752 acres from General Business (GB) to Planned Mobile Home Residential Park (PMR), with possible proffered conditions, and a Special Use Permit to allow expansion of the existing Massie's Mobile Home Park. The property is located on the north side of Peppers Ferry Road, east of the Coal Hollow Road Intersection and is identified as Tax Parcel Nos. 64-A-171,172 (Acct ID #'s 005101, 017988) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan.

At their meeting of March 13, 2002 the Planning Commission found the Rezoning and Special User Permit request compatible with the Comprehensive Plan and recommended approval to the Board of Supervisors with the following conditions:

1. The Special Use Permit authorizes expansion of Massie's Mobile Home Park to a maximum total of no more than twelve (12) units on Tax Parcel No. 64-A-171 and 172.
2. Final development plans shall be approved by the zoning administrator before issuance of any building permits for installation of manufactured homes on new spaces. Hydrant locations shall be located within 500 feet of any manufactured home in the park and shown on final development plans.
3. New road shall be surfaced in accordance with zoning requirements before the installation of any manufactured home served by said road.
4. A landscaping & buffering plan, including a variety of plant species, shall be approved by the zoning administrator as part of the final development plans for the expansion.

Kendall Clay, agent, spoke on behalf of the request. He clarified a few concerns by the Board of Supervisors regarding a recreational area for the children and emergency access to the area to be expanded. There will be a one acre lot reserved for a recreational area in the old section of the park and will include swings, basketball court and a picnic area. The emergency access route to the new lots will be through Lot #13 in the old section of the mobile home park.

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There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS SESSION

James Smith, Joseph Young, Robert Starkey, Clyde Hodges, Jane Barnett, Alan Garybill, William Smith, Chris Walker and Charlie Elgin addressed the Board concerning the location of the new Elliston Fire Station. They stated that the new station should be built in Elliston, not Shawsville, due to the majority of the volunteer members living and working in Elliston. The response time to a fire is a critical issue and the longer it takes the volunteers to get to the fire station the longer it will take to get to the fire. Ms. Barnett requested the old station be used as a community building once it is vacated. Offices can be set up where citizens can register to vote, pay their taxes and buy dog tags. They requested the Board to consider leaving the fire station in Elliston.

Holly and Sarah Hinshelwood addressed the Board concerning a new library in the eastern portion of Montgomery County. They presented a petition to the Board with 523 signatures requesting the Board of Supervisors to help them get a new library.

Terry Grimes addressed the Board concerning Mental Health. As a mental health customer herself, Ms. Grimes expressed her appreciation to the Board for their diligent efforts regarding the budget for mental health care and would appreciate level funding for all agencies dealing with mental health in this upcoming year.

Stacie Haynes spoke in opposition to the proposed consolidated collection site in McCoy. Ms Haynes stated the Coal Miners monument and a cemetery was next to the proposed site, therefore it is not proper consolidated collection site. She urged the Board to stop the project and look for a new site that would be more suitable. Ms Haynes stated they were willing to work with the County to find a proper site and thanked them for their time.

There being no further speakers, the public address session was closed.

ADDENDUM

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the addendum dated March 25, 2002 was added to the agenda under New Business:

VDoT Revenue Sharing Program - Appropriation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
James D. Politis	
John A. Muffo	
Larry N. Rush	
Annette S. Perkins	
Gary D. Creed	
Mary W. Biggs	

CONSENT AGENDA

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated March 25, 2002 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
James D. Politis	
Annette S. Perkins	
Larry N. Rush	
C.P. Shorter	
John A. Muffo	
Mary W. Biggs	

Approval of Minutes of November 14, November 26, and December 17, 2001

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the minutes dated November 14, November 26, and December 17, 2001 were approved.

General Services - Recovered Costs

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

400	General Services	\$ 1,392
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$1,392
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Said resolution appropriates recovered costs to General Services for accidental payment of an invoice for the New County Government Center.

Social Services - Recovered Costs

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

540	Social Services	\$4,133
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$4,133
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Said resolution appropriates recovered costs for the Medicaid Adult Care Residency and Medicaid pre-screening monies for other public assistance services.

Commonwealth's Attorney

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$ 41
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419104	Confiscations	\$41
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Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

Registrar - Recovered Costs

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

170	Registrar	\$803
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108	Recovered Costs	\$803
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Said resolution appropriates recovered costs to the Registrar for an unused portion of a postage permit.

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Animal Control - Supplemental Appropriation

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

400	General Services	\$ 1,500
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

416158	Donations	\$ 1,500
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Said resolution appropriates donations for use by Animal Control for euthanasia room equipment.

Sheriff -Recovered Costs:

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

310	Sheriff-State	\$7,141
321	Sheriff-Grants	<u>\$ 680</u>
	Total	\$7,821

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

441101	Insurance Recoveries	\$ 5,747
424401	Project Lifesaver Donations	\$ 680
419108	Recovered Costs- Sheriff	<u>\$ 1,394</u>
		\$7,821

Said resolution appropriates monies to cover the recovered costs from insurance recoveries, recovered costs from extraditions, restitution from inmates for damage to County property, and donations

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and fees for the Project Lifesaver program.

Final Plat - Blacksburg Duplexes Phase III

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Blacksburg Duplexes Phase III consists of 12 lots located off Cedar Hill Drive and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and the property owner whereby the property owner assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The property owner, Community Housing Partners Corporation and/or their successors, has assumed said responsibility for Blacksburg Duplexes Phase III.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Blacksburg Duplexes Phase III (LMW P.C. Commission 1514J dated January 24, 2000), Mt. Tabor Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

Final Plat - Brush Mountain West Phase 9

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Brush Mountain West Phase 9 consists of 18 lots located off Brush Mountain Road (SR 777) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

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WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Brush Mountain West Phase 9 has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Brush Mountain West, Phase 9 (Draper Aden Associates Project No. 7557-01A dated November 5, 2000), Prices Fork Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

Fairview District Home Board - Appointment

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints Larry N. Rush to the Fairview District Home Board and Jeffrey D. Johnson as alternate, effective March 26, 2002 and expiring December 31, 2002.

Said appointment fill the unexpired term of Joe C. Stewart.

Social Services Board -Membership on the Social Services Board

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia pursuant to

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§63.1-39 of the Code of Virginia of 1950, as amended, the Montgomery County Social Services Board shall consist of five (5) members, to be appointed at-large.

BE IT FURTHER RESOLVED, That a member who serves two (2) consecutive terms shall be ineligible for reappointment until the end of an intervening four-year period dating from the expiration of such two consecutive terms; except that a member who is appointed to fill an unexpired term shall be eligible for appointment for two full terms, at the discretion of the Board of Supervisors.

FURTHER, When a member of the board of supervisors appointed as a member of the Social Services Board ceases to be a member of the board of supervisors, his/her office as a member of the Social Services Board shall also be vacated and another member of the board of supervisors appointed to fill such vacancy.

Confirm the Social Services Board to be made up of five (5) members.

OLD BUSINESS

Submit Grant Application to the Virginia Community Development Block Grant - Free Clinic of the New River Valley

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Virginia Community Development Block Grant (VCDBG) Program provides funding to assist local governments in the development of Community Service Facilities which are physical facilities targeting the provision of important services to low- and moderate-income persons and the greater community; and

WHEREAS, The Free Clinic of the New River Valley will provide expanded medical/pharmaceutical and expanded dental for the benefit of low-to-moderate income citizens; and

WHEREAS, The proposed expansion of the Free Clinic of the New River Valley will generate a 50.7% increase in services of which 80% is in the medical/ pharmaceutical field and 20% is in the dental field that will benefit low-to-moderate income citizens; and

WHEREAS, Montgomery County has met all the federally-mandated citizen participation requirements by holding hearings on February 5, 2002 and March 11, 2002 and that both were announced via two approved methods of mass communication at least seven days in advance; and

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WHEREAS, The project has a total estimated cost of \$638,626, of which \$138,926 will be donated costs by way of in-kind administrative and inspection services, donated materials, funds, equipment, and various other services; and

WHEREAS, In addition, \$ 40,000 will be in-kind administrative services provided by Montgomery County and finally, the facility lease agreement between the Free Clinic of the New River Valley and Montgomery County will be a contribution by Montgomery County for the expansion of a much needed community service provided for low- and moderate- income individuals.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby submit an application requesting \$499,700 in Community Service Facility funds from the VCDBG Program for the Free Clinic of the New River Valley project .

FURTHER, BE IT RESOLVED, The County Administrator, Jeffrey D. Johnson is hereby authorized to sign and submit appropriate documents for the submittal of this Virginia Community Development Block Grant proposal.

The vote on the foregoing resolution was as follows:

AYE

NAY

Larry N. Rush None

C.P. Shorter

James D. Politis

Gary D. Creed

Annette S. Perkins

John A. Muffo

Mary W. Biggs

NEW BUSINESS

Lease Agreement - Free Clinic of the New River Valley

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery County, Virginia hereby approves the Lease Agreement between the Board of Supervisors and the Free Clinic of the New River Valley for the use of the County's property located at 215 Roanoke Street, Christiansburg, Virginia,

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subject to the County securing the Community Block Grant to renovate the property.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Mary W. Biggs, Chairperson of the Board, to sign the Lease Agreement on behalf of the Board.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
James D. Politis	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
Larry N. Rush	
Mary W. Biggs	

Deregulation of Electrical Energy

On a motion by C.P. Shorter, seconded by James D. Politis and carried,

WHEREAS, It appears that the Citizens of the Commonwealth are not fully aware of the impact on their electrical energy costs which will result from deregulation of electrical energy; and

WHEREAS, It follows that there is a disturbing absence of objective comments reflecting citizen's full knowledge of the cost of such deregulation; and

WHEREAS, Business and industry do not appear to understand that their ability to purchase electrical power on an open market does not guarantee the availability of electricity, nor contain its price; and

WHEREAS, The only economic benefactors in deregulation will be the providers of electrical energy whose profits will undoubtedly soar.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisor of the County of Montgomery, Virginia the electrical energy industry in the Commonwealth of Virginia should continue to

be regulated and that all efforts to deregulate it should be abandoned before an irreversible instrument is approved which will only result in higher prices and highly questionable continuing availability.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	Gary D. Creed
Annette S. Perkins	Larry N. Rush
John A. Muffo	
C.P. Shorter	
Mary W. Biggs	

County Primary and Secondary Road Fund- VDoT Revenue Sharing Program

On a motion by James D. Politis, seconded by Larry N. Rush and carried unanimously,

WHEREAS, The “Revenue Sharing Program” allows the Virginia Department of Transportation (VDoT) to provide state funds to match local funds for the construction, maintenance, or improvement of primary and secondary highways; and

WHEREAS, This cooperative program between local governments and VDoT allows for an increased number of road improvements; and

WHEREAS, The Commonwealth Transportation Board annually appropriates funds for this purpose; and

WHEREAS, Localities who wish to participate in this program must notify VDoT of its intent to participate in the “Revenue Sharing Program” and the amount of local funds to be provided, not to exceed \$500,000; and

WHEREAS, Application for these funds must be made by resolution of the governing body for the purpose of the following:

1. Deficits on completed construction or improvements
2. Supplemental funding for ongoing construction or improvements
3. Supplemental funding for future construction or improvements listed in the adopted Six-Year Plan

4. Construction or improvements not included in the Adopted Six-Year Plan
5. Construction or improvements necessary for the acceptance of specific subdivision streets otherwise eligible for the acceptance into the system for maintenance
6. Unprogrammed maintenance whose accomplishment is consistent with VDOT's operating policies

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to submit a letter of intent to participate in the "Revenue Sharing Program" and will provide \$100,000 for this program, to be taken from the General Fund for the fiscal year ending June 30, 2002 and to be matched on a dollar-for-dollar basis from funds of the Commonwealth of Virginia.

The vote on the foregoing resolution was as follows:

AYE

NAY

Gary D. Creed None
Annette S. Perkins
John A. Muffo
Larry N. Rush
C.P. Shorter
James D. Politis
Mary W. Biggs

Chair Biggs noted for the record that she voted for approval for this resolution even though she still had concerns with the FY 2002-2003 Budget. Supervisor Rush also noted for the record that he agreed with Chair Biggs.

Parks and Recreation: Transfer from Special Contingencies

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

960 Special Contingencies (\$5,000)

TO:

700 Parks and Recreation \$5,000

Said resolution transfers funds from Special Contingencies to Parks and Recreation for printing and publishing brochures.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

John A. Muffo

Larry N. Rush

C.P. Shorter

James D. Politis

Gary D. Creed

Mary W. Biggs

NAY

None

Comprehensive Services Act - Supplemental Appropriation and Transfer from General Contingencies

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

510 Comprehensive Services Act \$328,666

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02510-424445 Comprehensive Services Act \$328,666

BE IT FURTHER RESOLVED, That a transfer is hereby authorized, as follows:

FROM:

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950 General Contingencies (129,980)

TO:

510 Comprehensive Services Act \$129,980

Said resolution appropriates a supplemental allocation from the state for the Comprehensive Services Act, transfers the local match for the supplement from General Contingencies, and appropriates recovered costs received from other sources including families and the Social Security Administration.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo

Larry N. Rush

C.P. Shorter

James D. Politis

Gary D. Creed

Annette S. Perkins

Mary W. Biggs

NAY

None

Application to the Virginia Commission for the Arts Local Government Challenge Grant -Lyric Theatre and the Montgomery Museum

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Montgomery County proposed budget for FY 2002-2003 includes a \$5,000 allocation for the Lyric Council Inc. and \$3,500 allocation for the Montgomery Museum and Lewis Miller Regional Art Center, Inc.; and

WHEREAS, The County may apply for as much as \$5,000 in matching funds for the Lyric Council, Inc. and for the Montgomery Museum and Lewis Miller Regional Art Center, Inc through the Virginia Commission for the Arts Local Government Challenge Grant Program; and

WHEREAS, Should the County be awarded a Local Government Challenge Grant, the Lyric Council, Inc. and the Montgomery Museum and Lewis Miller Regional Art Center, Inc could receive as much as \$5,000 for each to use in their efforts to provide entertainment and performance opportunities otherwise unavailable in Montgomery County.

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NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the submission of an application for \$5,000 in matching funds for the Lyric Council & Theatre and for the Montgomery Museum and Lewis Miller Regional Art Center, Inc through the Virginia Commission for the Arts Local Government Challenge Grant Program.

The vote on the foregoing resolution was as follows:

AYE

NAY

Larry N. Rush None

C.P. Shorter

James D. Politis

Gary D. Creed

Annette S. Perkins

John A. Muffo

Mary W. Biggs

Schedule Public Hearing - Board of Supervisors Intent to Approve a Boundary Line Adjustment with the Town of Blacksburg

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia schedules a public hearing on Monday, April 8, 2002 at 7:15 p.m. in Courtroom B, Third Floor, Montgomery County Courthouse, 1 East Main Street Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

Boundary Line Adjustment Agreement with the Town of Blacksburg

Board of Supervisors intent to enter into a Boundary Line Adjustment Agreement with the Town of Blacksburg providing for the adjustment of the boundary of the Town of Blacksburg's corporate limits to include approximately fifteen (15) acres of land located at the southwest boundary of the Town of Blacksburg adjacent to Montgomery Regional Hospital.

The vote on the foregoing resolution was as follows:

AYE

NAY

C.P. Shorter

None

James D. Politis

Gary D. Creed

Annette S. Perkins
John A. Muffo
Larry N. Rush
Mary W. Biggs

Resolution of Appreciation - Elliston Volunteer Fire Department

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Elliston Volunteer Fire Department provides a vital public service to our community; and

WHEREAS, Through hard work, dedication and commitment, the ***Elliston Volunteer Fire Department*** provides quality fire protection to the communities of Elliston and Shawsville and surrounding areas of Montgomery County 24 hours a day, seven days a week; and

WHEREAS, The citizens of Elliston, Shawsville and Montgomery County who have benefitted daily from the services provided by these highly trained individuals want to recognize the value and accomplishments of this organization.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to the members of the ***Elliston Volunteer Fire Department***, past and present, on their ***45th anniversary to be celebrated in April, 2002***

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the ***Elliston Volunteer Fire Department*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE

NAY

James D. Politis None
Annette S. Perkins
John A. Muffo
Larry N. Rush
C.P. Shorter
Gary D. Creed
Mary W. Biggs

VDoT Revenue Sharing Program - Appropriation

On a motion by Larry N. Rush, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

100	Board of Supervisors	\$100,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203	Undesignated Fund Balance- Road Maintenance Reserve	\$100,000
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Said resolution appropriates funds for the Virginia Department of Transportation Revenue Sharing Program for road improvements in certain unincorporated areas of the County.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
James D. Politis	
John A. Muffo	
Larry N. Rush	
Annette S. Perkins	
Gary D. Creed	
Mary W. Biggs	

INTO WORK SESSION

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Wireless Communication Consultant
2. FY 2002-2003 Budget

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
Larry N. Rush	
Gary D. Creed	
C.P. Shorter	
James D. Politis	
Mary W. Biggs	

OUT OF WORK SESSION

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Larry N. Rush	
Gary D. Creed	
C.P. Shorter	
James D. Politis	
Annette S. Perkins	

Mary W. Biggs

BOARD MEMBERS' REPORTS

Supervisor Politis - Public Service Authority Meeting Supervisor Politis stated if the Board was in agreement they would cancel their April 1, 2002 PSA meeting since there were no agenda items to be discussed. It was the consensus of the Board to cancel the April 1st PSA meeting and to send out notification.

Supervisor Shorter reported that Pulaski County and Floyd County are having the same problem Montgomery County is having regarding black vultures. He stated the Farm Bureau has an ordinance which each locality would have to adopt requiring burying of dead livestock to prevent vultures or other prey from gathering. The County Attorney will check into this ordinance.

E-911 House Numbers Supervisor Shorter asked if the Sheriff and Town Police could help generate a list of properties that need house numbers installed. It is important when emergency personnel are trying to find a house that is properly numbered which will help with quick response time. Also he believes they could get community service groups from Virginia Tech to help put up the house numbers for those who need help.

Wastewater Line - Supervisor Shorter reported the cost to the County to install a wastewater line from the Catholic Church on Prices Fork Road to the Wall and Kipp property would be \$780,000. A total cost of \$1.7 million if a 30 inch line is installed and connected to the trunk line with the Town of Blacksburg. The Town of Blacksburg would contribute the additional cost beyond \$780,000 if they desired to install the 30 inch line.

Supervisor Muffo attended the "Take Back the Night Rally" held at Virginia Tech. The Board was recognized for adopting a resolution in support of this event. Also, a victim who spoke praised the Commonwealth's Attorney for his support in her case and getting a conviction against her rapist.

Supervisor Perkins - Virginia Tech/Montgomery Regional Airport Authority hired Michael St. James as their Airport Manager.

Supervisor Biggs attended the Christiansburg/Montgomery County Chamber of Commerce annual dinner. This will be the last dinner as Christiansburg/Montgomery County since they merged with the Blacksburg Regional Chamber of Commerce. The County Administrator will be the County's liaison for the new Chamber.

VDoT Road Projects Chair Biggs asked if any current road construction projects were stopped due to the

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budget cuts in VDOT. She received a call stating there has been little activity on the 3-A project. The County Administrator stated he believes all current construction projects will still be funded if the project has already began. He will check with the Residential Engineer at VDOT.

INTO CLOSED MEETING

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Blacksburg Shell Building

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush None
C.P. Shorter
James D. Politis
Gary D. Creed
Annette S. Perkins
John A. Muffo
Mary W. Biggs

NAY

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular

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Session.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush None

C.P. Shorter

James D. Politis

Gary D. Creed

Annette S. Perkins

John A. Muffo

Mary W. Biggs

NAY

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

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AYES

Larry N. Rush
C.P. Shorter
James D. Politis
Gary D. Creed
Annette S. Perkins
John A. Muffo
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously, the Board adjourned to Wednesday, April 3, 2002 at 7:00 p.m. at the Blackburg Middle School.

The vote on the foregoing motion was as follows:

AYE

NAY

Larry N. Rush None
C.P. Shorter
James D. Politis
Gary D. Creed
Annette S. Perkins
John A. Muffo
Mary W. Biggs

The meeting adjourned at 11:00 p.m.

